

Marijuana and CBD in the Workplace

Although marijuana use is legal for adults ages 21 and over under Alaska state law, its use is still illegal under federal law. Federally, marijuana is listed as a Schedule I drug under the Controlled Substances Act, which means that it is deemed to have no medical value and a high potential for abuse. The changing landscape of state marijuana laws, lack of scientific information on the health impacts of marijuana use and increasing social acceptance have created confusion for some employers about their workplace policies and drug testing programs. Workplaces committed to a drug-free environment face challenges due to contradictory federal and state marijuana laws and often struggle to understand their ability to take action based on drug test results.

Although studies have suggested that marijuana and cannabidiol oil (CBD) may be used safely in some controlled environments, there are potential consequences to its use that necessitate employer scrutiny and concern. For example, marijuana users who operate a vehicle while having detectable levels of THC in the bloodstream risk violating state and federal law.

Medical Use of Marijuana and Job Protections?

Alaska's Medical Marijuana statute (AS 17.37.040) does not currently accommodate for medical use of marijuana in any place of employment. People who use marijuana medicinally or for other reasons and take a drug test are going to yield a positive result. That means that regardless of whether a person is issued a medical marijuana card, employers can still test for marijuana and make employment decisions based on drug test results. There are some exemptions for FDA-approved marijuana-derived medications (including dronabinol, nabilone, purified cannabidiol and products approved outside of the United States such as Sativex®.) However, it varies from employer to employer whether these drugs are exempt from their workplace policies.



What is Marijuana?

Marijuana is dried flowers and leaves of the cannabis sativa plant and contains the psychoactive chemical delta-9-tetrahydrocannabinol (THC). Using marijuana produces mind-altering highs, which can make users experience increased appetite, laughter and sensitivity to sights, sounds and colors. Negative health effects can include paranoia, anxiety, fear and panic. In some cases, the drug can trigger psychosis and some forms of schizophrenia in people with a predisposition.

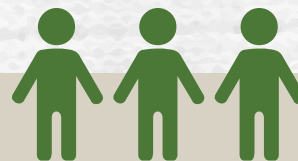
How Does Marijuana Affect Work Performance?

Marijuana affects every user differently depending on:

- The person – their mood, personality, size and weight
- The amount used and whether it is mixed with anything else
- The environment in which the drug is used

Marijuana use in the workplace can affect the health and safety of the person using it as well as those around them. Marijuana is known to have the following effects:

- Short-term memory problems
- Impaired thinking
- Loss of balance and coordination
- Decreased concentration
- Changes in sensory perception
- Impaired ability to perform complex tasks
- Decreased alertness
- Decreased reaction time



How Long does THC Stay in Your System?

Marijuana is stored in fatty tissues until it is slowly released back into the bloodstream and excreted from the body. Traces of marijuana can be found in urine for one to five days after occasional use and up to six weeks (or more) in people who use marijuana regularly (more than three times a week over a number of years). Marijuana can therefore be easily identified by drug testing procedures for a much longer time period compared to most other drugs.

Be Careful When You Eat and Drink Marijuana.

THESE AREN'T YOUR GRANDMA'S BROWNIES.



Learn more about marijuana edibles.



CBD

Those who use CBD oils are at risk of a positive drug-test result due to unregulated levels of THC in these products. This is because THC metabolites remain stored in the body for much longer than the user feels impaired by the drug. Most CBD oils only contain traces of THC and some products advertise having no THC whatsoever, but users cannot guarantee a negative test result.

Drug Free Policies

With the support of an attorney, employers should carefully develop drug-free policies and provide clear communication regarding what constitutes a violation. Industry requirements, including those for safety or security sensitive positions, require additional consideration.



Marijuana Potency

According to the National Institute on Drug Abuse (NIDA), in 1992, the average concentration of THC in marijuana was 3.8%. In 2014, the average THC content rose to 12.2%.

Diversity of the Marketplace

Users consume marijuana in a multitude of ways, often in an effort to ingest higher quantities of THC. In addition to smoking, users can consume THC using e-cigarettes, lollipops, syrups, chocolate bars and more. People can now use highly potent forms of marijuana anywhere, at any time.



Workplace Drug Testing Programs

Employers committed to creating or maintaining drug-free workplaces should have a clearly written drug testing policy that complies with all applicable federal, state and local laws. The policy should spell out the testing types administered, drugs tested for, consequences of refusing to test and expected employer actions based upon the results of the test. Consulting an attorney about the employer impacts of state marijuana legislation is always recommended when drafting drug-free workplace policies.

A drug-free workplace program is not only about drug testing. Depending on the culture and needs of your business, your program can incorporate an Employee Assistance Program (EAP), as well as counseling or drug rehabilitation services, to help employees struggling with addiction or substance abuse disorders.

Get the Facts

marijuana.dhss.alaska.gov

